

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

GARY HUGHBANKS,

Petitioner, : Case No. 1:07-cv-111

- VS -

Magistrate Judge Michael R. Merz

STUART HUDSON, Warden,

Respondent.

ORDER DISSOLVING STAY AND SETTING SCHEDULE

Respondent has notified the Court that the Ohio Supreme Court has declined to exercise jurisdiction over Petitioner's appeal from denial of his petition for post-conviction relief related to his Third and Tenth Claims for Relief (Notice, Doc. No. 157, citing *State v. Highbanks*, Ohio Supreme Court Case No. 2013-0629)). This case was stayed pending the exhaustion of state court remedies. Those remedies having now been exhausted, the stay is DISSOLVED.

The currently pending petition in this case is the Amended Petition filed May 22, 2012 (Doc. No. 134). Not later than July 1, 2015, Respondent shall file an amended return of writ conforming to the requirements of Rule 5 of the Rules Governing §2254 Cases. Specifically, said answer shall respond to each allegation made in the Amended Petition, raise any affirmative defense relied on by Respondent, and state whether, from Respondent's perspective, any claim in the Petition is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, or a statute of limitations.

Before filing the answer, the Respondent shall re-file¹ those portions of the state court record needed to adjudicate this case. When the record is filed electronically, the Court's CM/ECF filing system will affix a unique PageID number to each page of the record, displayed in the upper right-hand corner of the page. All papers filed in the case thereafter by either party shall include record references to the PageID number. Prior to filing the state court record, the Warden's counsel shall ensure that any borders on parts of the record (typically, court reporter transcripts) do not obscure the PageID number when the page is filed. The record shall be indexed by insertion of "bookmarks" in the .pdf version of the state court record uploaded to the Court's CM/ECF system which display each exhibit and the name of that exhibit in the record.

As required by Fed. R. Civ. P. 5, a complete copy of the answer and state court record with the PageID numbers and "bookmarks" must be served on Petitioner at the time of filing.

Petitioner may, not later than twenty-one days after the answer is filed, file and serve a reply to the answer.

May 22, 2015.

s/ *Michael R. Merz*
United States Magistrate Judge

¹ The original return was filed before the Court began requiring electronic filing of state court records in habeas corpus cases.